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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Sixth and seventh periodic reports of States parties due in 2011

Denmark* ** ***

[Date received: 23 September 2014]

* The fifth periodic report of Denmark is contained in document CAT/C/81/Add.2; it was considered by the Committee at its 757th and 760th meetings, held on 2 and 3 May 2007 (CAT/C/SR.757 and 760). For its consideration, see the Committee's concluding observations (CAT/C/DNK/CO/5).

** The present document is being issued without formal editing.

*** The annexes of the present document may be consulted in the files of the Secretariat, in the language of submission only.

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I. Introduction

1. Pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Danish Government is pleased to hereby submit its combined sixth and seventh periodic report. Denmark is using the new optional reporting procedure adopted by the Committee against Torture at its thirty-eighth session. Prior to the submission of this combined sixth and seventh periodic report, the Committee against Torture provided the Danish Government with a list of issues adopted by the Committee at its forty-third session (CAT/C/DNK/Q/6-7). The list of issues contains 28 paragraphs, comprising a series of questions with regard to the implementation of the Convention. This combined report consists of replies to those questions.

II. Replies to the issues raised in the Committee's list of issues

Articles 1 and 4 of the Convention

Paragraph 1 of the list of issues

Please provide updated information on any changes in the State party's position on incorporating the Convention into Danish law, as recommended by the Committee in its previous concluding observations (para. 9).

Reply to the issues raised in paragraph 1 of the list of issues

2. In December 2012, the Danish Government established a committee of experts in the human rights field. This committee has among other issues been asked to consider, whether Denmark should incorporate additional human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee concluded its work in August 2014, and the Danish Government will now consider its findings.

Paragraph 2 of the list of issues

In its previous concluding observations, the Committee expressed its concern about the absence of a specific crime of torture, consistent with articles 1 and 4, paragraph 2, of the Convention, in the Danish Criminal Code and the Military Criminal Code (para. 10). Please elaborate on the State party's decision to refer to torture merely as aggravating circumstances in relation to existing crimes in the Criminal Code, instead of introducing a specific crime of torture. Please indicate whether, despite this change in legislation, acts of torture as well as attempts and complicity or participation to commit torture can still be subject to the statute of limitations.

Reply to the issues raised in paragraph 2 of the list of issues

3. Article 4 of the Convention against Torture requires participating States "to ensure that all acts of torture are offences under its criminal law" but it does not require participating States to adopt a specific provision in national criminal legislation concerning the crime of torture.

4. The question of adopting a specific provision on the crime of torture in Danish criminal law was thoroughly assessed by the Committee on Criminal Law (*Straffelovrådet*) in its report No. 1494/2008 from January 2008. The Committee did not recommend the

adoption of a specific provision on the crime of torture in Danish criminal law. The Committee pointed out that all acts covered by the definition of torture in article 1 of the Convention against Torture — including acts where mental pain and suffering is inflicted on the victim, are already covered by existing provisions of Danish criminal law.

5. Instead, the Committee recommended the adoption of a special provision in the Danish Criminal Code (*straffeloven*) making torture an aggravating circumstance in the determination of a penalty for violation of the Criminal Code.

6. The Danish Government agrees with the assessment of the Committee on Criminal Law and has followed its recommendation. Thus, by Act No. 494 of 17 June 2008 the Danish Parliament adopted amendments of the Criminal Code and the Military Criminal Code (*militær straffelov*) establishing that torture is an aggravating circumstance in the determination of a penalty for violation of these codes.

7. Furthermore, the amendments establish that violations of the Criminal Code and the Military Criminal Code, including attempts and complicity, cannot be subject to the statute of limitations if the violation is committed by the use of torture.

8. The current provisions of the Criminal Code and the Military Criminal Code meet the purpose of a provision on the crime of torture as they underline the seriousness and gross nature of acts that are committed by the use of torture and the provisions make it possible to register criminal acts, if any, committed by the use of torture. Add to this that the current provisions mean that the character of the specific crime will be clearly reflected in connection with the criminal case. Thus, instead of being convicted of the general crime of "torture", which is a wide concept, the perpetrator will be convicted in accordance with the relevant specific provisions with reference to the fact that the criminal act was committed by the use of torture (for example, "assault of a particularly dangerous nature by the use of torture" or "confinement by the use of torture").

9. Consequently, the Danish Government considers the current legislation to be a sufficient and adequate implementation of the obligation to criminalizing the crime of torture.

Article 2 of the Convention

Paragraph 3 of the list of issues:

In light of the recommendation of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment and punishment in his report on the visit to Denmark in May 2008, please provide information on measures that have been taken to set an absolute limit to the length of administrative detention of foreigners pending deportation (A/HRC/10/44/Add.2, paras. 47, 75 and 78(c)). Please provide information on any steps taken to review the procedure of legal challenges of deprivation of liberty under article 37 of the Aliens Act to ensure its effectiveness in practice.

Reply to the issues raised in paragraph 3 of the list of issues

10. Pursuant to article 37 of the Aliens Act (*udlændingeloven*), a detained person must be presented in court within three days of the detention. The court will consider the legality and the continued upholding of the detention. If the detention is upheld by the court a time limit will be set, which can later be extended by the court, however not with more than four weeks at a time. Legal counsel is assigned to the detainee, and the court's rulings can be appealed under chapter 37 of the Administration of Justice Act (*retsplejeloven*).

11. The Aliens Act, including section 37, was amended in 2011 as a consequence of the incorporation into Danish law of the European Union Directive on common standards and procedures in member States for returning illegally staying third-country nationals.

12. Pursuant to section 37 of the Aliens Act, the maximum period of detention pending deportation is now six months. This limit can only be exceeded if exceptional reasons call for it — and under no circumstances by more than twelve months. Such exceptional reasons may exist due to the detainee's lack of cooperation concerning the removal arrangements, or delays connected with obtaining the necessary travel documents. The detention will always be for as short a period of time as possible and only upheld as long as removal arrangements are in progress and executed with due diligence.

13. The Government considers the existing rules and procedures of legal challenges to deprivation of liberty under article 37 to be effective.

Paragraph 4 of the list of issues

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stressed, in its report to the Danish Government on its visit to Denmark in February 2008, that the use of police-imposed restrictions on remand prisoners' contacts with the outside world should be limited to the strict minimum necessary for investigation purposes (CPT/Inf (2008) 26, para. 44). Please provide details about steps taken by the State party in response to this recommendation.

Reply to the issues raised in paragraph 4 of the list of issues

14. Immediately following the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Denmark in February 2008, the office of the Director of Public Prosecutions (*Rigsadvokaten*) brought up the question of the use of restrictions of remand prisoners' right to receive letters and visits in the Committee on Criminal Procedural Law (*Rigsadvokatens Fagudvalg for Straffeproces*).

15. This Committee was a standing committee with members representing all local prosecution offices and also with representation from the prosecution authorities at the regional level. The Committee met several times a year at the initiative of the Director of Public Prosecutions' office in order to discuss general matters regarding criminal procedural law, including the use of coercive measures.

16. The topic of the use of restrictions on remand prisoners' right to receive letters and visits was brought up at a Committee meeting on 24 April 2008. The chairman informed the Committee of the criticism expressed by the CPT with regard to the extent of the use of restrictions on remand prisoners' right to receive letters and visits. Furthermore, the chairman urged the participants to pay special attention to the use of these measures.

17. The Committee on Criminal Procedural Law has now been disbanded. General matters regarding criminal procedural law are instead being discussed in one of the other standing committees, for example, on organized crime.

Article 3 of the Convention

Paragraph 5 of the list of issues

With reference to the previous concluding observations of the Committee, please provide information on any steps taken by the State party to ensure that it complies fully with article 3 of the Convention with regard to the transfer of detainees,

including detainees in custody of the State party's military forces, wherever situated, even if the State party's forces are subjected to operational command of another State (para. 13).

Reply to the issues raised in paragraph 5 of the list of issues

18. With reference to the issued Directive on the prohibition of torture and other cruel, inhumane or degrading treatment or punishment for the Armed Forces mentioned in the introductory remarks at the previous examination of Denmark, it continues to be a key priority of the Danish Armed Forces that all military personnel is fully aware of the prohibition of torture and other prohibited conduct, especially when participating in international missions. Therefore, the obligation to act and/or report with regard to witnessed acts of torture or other prohibited treatment, stated in the directive, is also included, to the extent necessary, in the Rules of Engagement aide memoires that all soldiers deployed in international military operations are issued with.

19. Furthermore, the Danish Defence Command (*Forsvarskommandoen*) is in the process of issuing a new directive on detainees which will complement mission specific directives. The directive will include reference to the Directive on the prohibition of torture and other cruel, inhumane or degrading treatment or punishment for the Armed Forces and to the requirement of non-refoulement. Note should also be taken, that it is foreseen that the future Danish military manual too will contain specific provisions on the handling of detainees.

20. It should also be mentioned, that on 7 November 2012, a Commission of Inquiry on the Danish participation in the Iraq and Afghan wars (*Undersøgelseskommissionen for den danske krigsdeltagelse i Irak og Afghanistan*) was established. It is expected to complete its investigation by November 2017. The report of the Commission will be delivered to the Minister of Justice who will decide how and to what extent the report shall be released to the public. According to the mandate of the Commission, one of its tasks is to examine whether the international obligations of Denmark have been adhered to in regard to detention of persons during the Danish participation in the wars in Iraq and Afghanistan. The Commission is also to examine the extent to which Danish forces have transferred detained persons to other nations' forces, and what knowledge about the treatment of detainees by such nations' forces that relevant Danish authorities possessed at the time of such transfers.

21. Finally, it should be noted that since the Committee Against Torture's consideration of the fifth periodic report, Denmark on two occasions chose to suspend transfer of detainees to a specific facility to ensure compliance with article 3 of the Convention.

Paragraph 6 of the list of issues

In particular, the Special Rapporteur and the Human Rights Committee expressed their concern that the State party had recently considered relying on "diplomatic assurances to return suspected terrorists to countries known for practicing torture" (A/HRC/10/44/Add.2, paras. 67-69, 77 and 78(f) and CCPR/C/DNK/CO/5, para. 10). Please provide detailed information on the steps taken by the State party to address this concern. Please indicate whether the State Party monitors the treatment of such persons after their return and takes appropriate action when the assurances are not fulfilled.

Reply to the issues raised in paragraph 6 of the list of issues

22. According to section 31 of the Aliens Act, an alien may not be returned from Denmark to a country where he will be at risk of the death penalty or of being subjected to

torture or inhuman or degrading treatment or punishment, or where the alien will not be protected against being sent on to such country.

23. By Act No. 487 of 12 June 2009, a new chapter regarding judicial review on certain decisions on administrative expulsion was amended to the Danish Aliens Act. The explanatory notes to the bill lay down the limits and conditions for Denmark to return an alien relying on diplomatic assurances.

24. According to the explanatory notes certain criteria must be fulfilled in order to rely on diplomatic assurances. For example, the receiving country must have a stable government, which can control the executive authorities. The agreement must also be precise, detailed and regarding a specific alien. An element in the assessment of the assurance would be monitoring of the respect shown for the assurance. Thus independent, qualified persons must be able to visit the returned person without prior notice and to question the returned person without witnesses when desired.

25. If an agreement on diplomatic assurances has actually been reached with a receiving country, any decision on whether a diplomatic assurance provides sufficient protection of an alien against torture or inhuman or degrading treatment or punishment, is made by the Danish Immigration Service (*Udlændingestyrelsen*) and the Refugee Appeals Board (*Flygtningenævnet*) or in some specific cases by the courts. The abovementioned section 31 will thus be applied and upheld in all cases, where Denmark considers relying on diplomatic assurances.

26. So far, Denmark has not returned any aliens from Denmark to countries known for practicing death penalty or torture relying on diplomatic assurances from the receiving country. The question of monitoring the agreement and taking appropriate action in case of non-fulfillment has therefore not yet arisen in practice.

27. As noted by the Special Rapporteur the Ministry of Defence of Denmark and the Ministry of Defence of Afghanistan entered into a Memorandum of Understanding on 8 June 2005 concerning the transfer of persons between the Danish contingent of the International Security Assistance Force and the Afghan authorities. The Memorandum of Understanding was amended on 1 May 2007.

28. The memorandum of understanding including its amendment was distributed to the Defence Committee of the Danish Parliament (*Forsvarsudvalget*) and is publicly available.

29. The existence of the memorandum of understanding does not and is not in any way intended to replace the individual assessment made by the Danish military according to article 3 of the Convention, including consideration of relevant available information whenever the issue of transfer of a detainee arises.

30. Nevertheless, Denmark place great importance to the adherence to the memorandum of understanding, and will address possible breaches of the memorandum by appropriate means. To this end and based on an overall assessment, Denmark continues to monitor the situation regarding detainees transferred by Danish forces to Afghan authorities on a regular basis.

Paragraph 7 of the list of issues

Please elaborate on the status and possible outcome of the investigation by an inter-ministerial working group into alleged rendition flights of the United States of America Central Intelligence Agency (CIA) through Denmark and Greenland. Please provide information on steps taken by the State party to establish an inspection system to ensure that its airspace and airports are not used for such purposes, as recommended by the Human Rights Committee (para. 9).

Reply to the issues raised in paragraph 7 of the list of issues

31. In 2008, the Danish Government decided to set up an inter-ministerial working group with the mandate to examine new information from a documentary titled "*CIA's danske forbindelse*" (CIA's Danish connection) and, if necessary, as part of the inquiry to consult with relevant American authorities.

32. The Inter-ministerial Working Group comprised representatives from Danish authorities, the governments of Greenland and the Faroe Islands and the Greenland Airport Authority. The objective of the Working Group was to examine information on alleged CIA flights in Denmark, Greenland and the Faroe Islands.

33. The Working Group published its report in October 2008 and concluded, inter alia, that:

- Is was not possible to determine whether or not CIA flights had occurred in Danish, Greenlandic or Faroese airspace, including illegal transit of detained persons;
- Based on the information available to the Working Group it was not possible for the relevant Danish authorities to confirm or rule out that extraordinary renditions had been carried out in Danish, Greenlandic or Faroese airspace;
- Consequently, that there was no basis to conclude that the Danish Government bears responsibility or co-responsibility for alleged illegal activities of the CIA or other foreign authorities' activities;
- And that the existing Danish control mechanisms were adequate for ensuring, that the relevant authorities had the necessary means to interfere, should the authorities learn about illegal rendition flights approaching or having entered Danish, Greenlandic or Faroese airspace.

34. Furthermore, the report concluded, that Denmark cannot give its consent to renditions of detained persons in cases where there are substantial grounds to believe that the persons being transported would be in danger of being subjected to torture or ill-treatment or of other violations of the detainees' fundamental human rights.

35. The Working Group made several other recommendations.

36. In November 2011, on behalf of Greenland, the Danish Minister of Foreign Affairs requested the Danish Institute for International Studies to carry out an impartial investigation of a number of aspects regarding the alleged CIA flights, that is, allegations of duplicity on the part of the former Danish Government.

37. The report was published on 29 May 2012 and concluded, inter alia, that the Danish Government with the preparation of the Inter-ministerial Working Group Report of 2008 had succeeded in carrying out a thorough investigation of the issue of the alleged over-flights. The report of the Danish Institute for International Studies also concluded that there had been no duplicity on the part of the former Government in the matter.

38. Following the release of the report, the Danish Government announced that it considers the matter closed and finds that the thorough and impartial investigation carried out by the Danish Institute for International Studies, as well as the forward-looking guarantee that has been provided to Denmark by the United States of America, settles the case concerning the alleged CIA flights over airspace in Denmark, Greenland and the Faroe Islands in a suitable manner.

Articles 5 and 7 of the Convention

Paragraph 8 of the list of issues

Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by a third State for an individual suspected of having committed an offence of torture, and thus engaging its own prosecution as a result. If so, please provide information on the status and outcome of such proceedings.

Reply to the issues raised in paragraph 8 of the list of issues

39. Since the consideration of the previous report, Denmark has not received any requests for extradition for the purpose of criminal prosecution of an individual suspected of having committed an offence of torture. Thus, Denmark has not initiated any criminal proceedings in pursuance of article 7 of the Convention.

Article 10 of the Convention

Paragraph 9(a) of the list of issues

Please provide information on measures taken by the State party to review and strengthen its education and training programmes relating to the use of force, including the use of weapons, by law enforcement officials in order to ensure that the use of force is strictly limited to that required to perform their duties, according to the Committee's previous recommendations (para. 16). Please provide information on the new instructional material on the education and training of police officers developed in 2008 by the Police College and its impact and effectiveness in the field. Please indicate steps taken to implement the recommendations made by an analysis group regarding the Danish police officers' use of firearms as well as the impact thereof.

Reply to the issues raised in paragraph 9(a) of the list of issues

40. In May 2007, the National Commissioner of Police (*Rigspolitichefen*) appointed a multidisciplinary analysis group to review the use of firearms by Danish police officers. The group comprised 14 experts with a wide range of expertise covering aspects of police tactics and police training, psychology, sociology, anthropology, medical forensics as well as law and jurisprudence. The group was, inter alia, tasked with collecting all available information regarding Danish police officers' use of firearms over the past 10 years with a view to analysing all aspects of these incidents and to extract knowledge to be used proactively in future police operations and police training. The final report was published in Danish in November 2007.

41. As a result of the analysis, the former Department of Police Studies (*Rigspolitiets daværende uddannelsesafdeling*) refined and improved its educational training programmes relating to the use of force, including the use of weapons, by law enforcement officers to ensure that the use of force is strictly limited to what is required to perform their duties. The Department of Police Studies implemented a new training concept called OOAD[1] — Observation-Orientation-Action-Decision. A key element of this concept is to consider less intrusive alternatives when faced with a dangerous situation. The concept implies that officers — particularly in relation to the use of weapons, carefully consider other means such as withdrawal, cordon and other less intrusive measures. Another important feature of

[1] In Danish the concept is called OOBH – Observation-Orientering-Handling-Beslutning.

the OOAD training concept is to conduct real-life exercises to ensure that police officers when on duty do not put themselves in situations, where the only possible solution is to use firearms. These exercises are always followed by an evaluation of the solutions chosen by the students according to the above-mentioned OOAD concept.

42. Training in technical handling of firearms has also been reassessed. The focus is now more on weapon handling instead of precision shooting. As a result, police officers become more familiar with handling a weapon, which should enable them to act more calmly in situations where firearms are drawn and lead to more shots fired against arms and legs as opposed to potentially fatal shots against other parts of the body.

43. Finally, the Department of Police Studies developed a textbook about occupational ethics and a so-called "Ethics Game". Both are used in a national campaign within the Danish police about ethics. The campaign was launched in the Summer of 2011.

44. Courses at the Police College *(Politiskolen)* in fundamental human rights - including the prohibition against torture and paying special attention to victims of torture — are conducted with increased focus in the new police education (reference is made to the reply to the issues raised in paragraph 10 of the list of issues). The knowledge of human rights and the behaviour of the police in accordance with these fundamental rights are secured throughout the entire education.

45. In order to ensure a high quality of the training, the Department of Police Studies and the Danish Institute Against Torture have an agreement according to which the Institute will provide expert advice on an ad hoc basis to the trainers of the Police College, for example, on developments in the international normative framework and jurisprudence.

Paragraph 9(b) of the list of issues

Please provide information on measures undertaken to ensure that all relevant personnel receive specific training on how to identify signs of torture and ill-treatment. Please indicate whether the Istanbul Protocol of 1999 effectively has become an integral part of the training provided to physicians and all other professionals involved in the investigation and documentation of torture? How many physicians have received such training?

Reply to the issues raised in paragraph 9(b) of the list of issues

46. Reference is made to paragraphs 62 and 63 in Denmark's fifth periodic report.

47. All newly arrived asylum seekers are offered a medical screening at the central reception centre. The centre is operated by Red Cross in Denmark. The medical screening consists of an interview with a nurse. As a general rule certain vulnerable groups, including asylum seekers, who have stated that they have been subjected to torture or have been imprisoned, will be offered a consultation with a doctor.

48. In general, Red Cross in Denmark is focusing on training personnel to be aware of possible indications of torture. Red Cross in Denmark is running multidisciplinary courses for personnel twice a year called "Stress and Trauma", including issues of general stress symptoms, torture methods, the Istanbul Protocol, secondary traumas in family and posttraumatic stress disorder.

49. Red Cross in Denmark and the Danish Immigration Service have set up a committee to treat reception of asylum seekers with psychological traumas and sequelaes after torture.

50. With regards to education of health care personnel, reference is made to paragraphs 66-72 in Denmark's fifth periodic report.

51. In addition, the postgraduate medical education curriculum and specialist training program in forensic medicine describes specifically requirements for obtaining skills in examining victims of torture. Competences in identification of torture lesions, examination of victims, and reporting must be achieved during training. The authorized medical specialty *Forensic Medicine* was established in 2008. Since 2008, a total of 19 specialists in forensic medicine have been authorized by the Danish Health and Medicine Authorities (*Sundhedsstyrelsen*).

52. Regarding psychological signs of torture and ill-treatment, nurses are trained to observe and identify phenomena associated with psychological needs and reactions to psychological problems, illness and suffering. Furthermore, nurses have the possibility to have a specialization (a two year education upon the basic education) in the field of psychiatry. A total of 156 nurses are registered as having this specialization.

53. Other health care personnel may participate in therapeutic teams for rehabilitation of torture victims and combined therapy for posttraumatic stress disorder.

54. Police training in Denmark is generally intended, inter alia, to put police officers in a position to know the signs and symptoms that require contact with or treatment by a doctor. There are numerous requirements for policing that ensure attention to this perspective. Several courses at the Danish Police College include awareness of such rules. In relation to the administration of immigration law and the obligation to fulfil the mandate of general policing, the police is — through cooperation with the Danish Institute Against Torture — thoroughly instructed on how to identify signs and symptoms that require medical examination, including signs of physical abuse and torture.

Paragraph 9(c) of the list of issues

Please provide information on measures taken by the State party to develop and implement a methodology to evaluate the implementation of its training/educational programmes and its effectiveness and impact on the reduction of cases of torture and ill-treatment. Please provide information on the content and implementation of such methodology as well as on the results of the implemented measures.

Reply to the issues raised in paragraph 9(c) of the list of issues

55. The effect of the above-mentioned initiatives regarding the use of firearms by Danish police officers has not been evaluated.

56. In cooperation with the Danish Refugee Council (*Dansk Flygtningehjælp*), the Danish Institute Against Torture and Metropolitan University College (*Professionshøjskolen Metropol*), Red Cross in Denmark runs an European Union-supported project on reception of torture survivors. The project includes, inter alia, upgrading of knowledge among health professionals, special organized education and activities for torture survivors with a view to improving their living conditions. The outcome is evaluated through measuring the functional capacity of the asylum seekers.

57. With regard to doctors, the description of the requirements for obtaining skills in examining victims of torture has been strengthened in the latest version of the curriculum in forensic medicine from 2012.

58. The specialization in the field of psychiatry for nurses is being revised and will ensure more knowledge about psychopathology, the diagnostic process and diagnostic instruments.

Article 11 of the Convention

Paragraph 10 of the list of issues

Please provide information on any new interrogation rules, instructions, methods and practices as well as arrangements for custody that may have been introduced since the consideration of the last periodic report. Please also indicate the frequency with which these are reviewed.

Reply to the issues raised in paragraph 10 of the list of issues

59. Police Basic Training at the Danish Police College has been accredited as qualifying professional education. In doing so, it has been fundamentally modernized and changed, inter alia, to ensure that theoretical and practical instruction in the implementation of interrogations/interviews take place in the context of the thematic teaching in the performance of the police profession. In this regard, for example, the latest research-based knowledge, including for example the cognitive interview, will be applied.

Paragraph 11(a) of the list of issues

Following the Committee's previous concluding observations regarding the use of solitary confinement (para. 14), please provide information on: The continued efforts made by the State party to limit the use of solitary confinement, particularly during pretrial detention, as a measure of last resort, for as short a time as possible under strict supervision and with a possibility of judicial review.

Reply to the issues raised in paragraph 11(a) of the list of issues

60. In order to limit the use of solitary confinement, particularly during pretrial detention, new rules concerning solitary confinement entered into force on 1 January 2007 (act No. 1561 of 20 December 2006 changing provisions in the Danish Administration of Justice Act).

61. The Director of Public Prosecutions has subsequently sent out information and issued guidelines regarding the use of solitary confinement.

62. The new rules address in outline the following: time limits for use of solitary confinement; a new requirement that a request for extension of solitary confinement must be submitted to the court in writing and must entail the grounds for the request; a requirement that the Director of Public Prosecutions must approve a request for extension of solitary confinement beyond eight weeks (four weeks if the person is under the age of 18) before it is submitted to the court, and, the enhanced possibility to secure evidence before the main proceedings. The Director of Public Prosecutions has closely monitored the development of the use of solitary confinement.

63. On a quarterly basis, the Director of Public Prosecutions collects information from the Police Commissioners (*Politidirektørerne*) on all completed solitary confinements. On the basis hereof, an annual report to the Ministry of Justice on the use of solitary confinement is prepared.

64. As part of the general improvement of the quality and legality supervision of the prosecution service, the Director of Public Prosecutions in February 2012 adjusted the reporting system of the use of solitary confinement. The Police Commissioners now forward the quarterly statistical information on completed solitary confinement to the Regional State Prosecutors (*Statsadvokaterne*), so that the Regional State Prosecutors can use the information in the general supervision of the police and prosecution districts. In an annual report to the Director of Public Prosecutions on quality and legality assurance of

criminal cases in the police and prosecution districts, the Regional Public Prosecutors account for changes in the number and duration of solitary confinement, the reasons for the development, and actions initiated in order to limit the number of solitary confinements.

65. The Director of Public Prosecutions has developed a new electronic application in the existing management information tool enabling the calculation of the use of pretrial detention to be based on data extracted directly from a central electronic database in the Police Assessment System. Work is ongoing to develop this application, to also include information on solitary confinement. It is expected that the application will strengthen the ability to monitor the duration and number of pretrial detentions and solitary confinements as well as efforts to limit the duration of detention, including solitary confinement.

66. It is expected that the annual report from the Director of Public Prosecutions on the use of solitary confinement in the future will rely on central electronic data extraction in the same manner as it is now the case with the report on the use of pretrial detention.

67. Based on the new management information, the annual reports from the Regional Public Prosecutors as well as the specific cases submitted to the Director of Public Prosecutions concerning the use of solitary confinement beyond eight weeks, the Director of Public Prosecutions will continue to closely monitor developments in the use of solitary confinement.

Paragraph 11(b) of the list of issues

Following the Committee's previous concluding observations regarding the use of solitary confinement (para. 14), please provide information on: The steps taken by the State party to address the concern expressed by the Committee over the use of prolonged solitary confinement in pretrial detention, as a form of punishment for disciplinary infractions or in order to manage certain categories of convicted prisoners, which had also been voiced by the Human Rights Committee (CCPR/C/DNK/CO/5, para. 11), CPT (CPT/inf (2008) 26, paras. 41-42) and the Special Rapporteur (A/HRC/10/44/Add.2, paras. 44-45, 74 and 78(b)).

Reply to the issues raised in paragraph 11(b) of the list of issues

68. Reference is made to the reply to the issues raised in paragraph 11(a) of the list of issues.

69. Furthermore, in 2010 a working group was set up by the Danish Prison and Probation Service (*Kriminalforsorgen*) with a view to considering new approaches to reduce the number of inmates excluded from association under sections 63 and 64 of the Sentence Enforcement Act (*straffuldbyrdelsesloven*).

70. The working group found that there should be an upper limit of three months, for an inmate to be excluded from association. If, under special circumstances, it is necessary to keep an inmate excluded from association for more than three months, this decision must be made by the Danish Prisons and Probation Service. The working group also suggested approaches, inter alia, to ensuring that exclusion from association is not used as a disciplinary punishment and that an inmate excluded from association regains access to association with other inmates as quickly as possible.

71. Some of the suggested approaches of the working group required an amendment of the Sentence Enforcement Act. The amendment was subsequently adopted and entered into force on 1 April 2012.

Paragraph 11(c) of the list of issues

Following the Committee's previous concluding observations regarding the use of solitary confinement (para. 14), please provide information on: The steps taken to ensure that solitary confinement of persons under the age of 18 is limited to only very exceptional cases.

Reply to the issues raised in paragraph 11(c) of the list of issues

72. Act No. 1561 of 20 December 2006 changing provisions in the Danish Administration of Justice Act concerning solitary confinement, which entered into force on 1 January 2007, established new requirements for the use of solitary confinement of persons under the age of 18. According to the act, solitary confinement of persons under the age of 18 requires, in addition to the ordinary conditions for solitary confinement, that exceptional circumstances warrant the solitary confinement. Furthermore, persons under the age of 18 may not be held in solitary confinement for continued periods longer than eight weeks, unless the person is suspected of an offence against the independence and security of the State or against the Constitution and the supreme authorities of the State.

73. As shown in the enclosed report (in Danish) from the Director of Public Prosecutions of 22 January 2014 concerning the use of solitary confinement during pretrial detention in 2012 (annex A), in the period between 2001 and 2012, each year the number of persons under the age of 18 held in solitary confinement during pretrial detention was between zero and six. According to the report, only one person under the age of 18 was held in solitary confinement during pretrial detention in the period from 2009 until 2012.

74. Furthermore, reference is made to the reply to the issues raised in paragraph 11(a) of the list of issues.

Paragraph 12 of the list of issues

With regard to persons suspected of offences against the independence and security of the State (chapter 12 of the Criminal Code) or against the Constitution and the supreme authorities of the State (chapter 13 of the Criminal Code) who may be held indefinitely in solitary confinement during their pretrial detention, the Committee recommended that the State party should ensure respect for the principle of proportionality and establish strict limits in its use (para. 14). Please indicate the steps taken by the State party in response to the Committee's recommendation.

Reply to the issues raised in paragraph 12 of the list of issues

75. As a main rule, no one can be held in solitary confinement during pretrial detention for more than six months. However, persons suspected of offences against the independence and security of the State or against the Constitution and the supreme authorities of the State or suspected of violations of sections 191 (serious drugs offence) or 237 (manslaughter) of the Criminal Code, may be held in solitary confinement for longer during their pretrial detention, cf. section 770c (4) of the Danish Administration of Justice Act. The possibility to extend solitary confinement beyond six months is only to be used in cases involving the most serious forms of crime. This refers in particular to cases of a professional, highly organized character, with internationals relations. In 2012, no one was held in solitary confinement for more than six months under section 770c (4) of the Danish Administration of Justice Act.

76. The Danish Administration of Justice Act in general sets out strict limits for the use of solitary confinement. Furthermore, section 770b (1) (1-3) of the Danish Administration of Justice Act, contains a special principle of proportionality that must be fulfilled when using solitary confinement. Solitary confinement on this basis can only be applied if the

purpose cannot be achieved by applying less intensive measures, if the application is proportional to the specific circumstances of the case and if the case is being processed without undue delay. This special principle supplements the normal principle of proportionality applying to pretrial detention in section 762(3) of the Danish Administrative of Justice Act.

77. Furthermore, reference is made to the reply to the issues raised in paragraph 11(a) of the list of issues.

Paragraph 13 of the list of issues

Please provide updated information on any steps taken by the State to monitor the use and effects of solitary confinement and the effects of the amendments of the Administration of Justice Act. Please provide the annual reports submitted by the Director of Public Prosecutions to the Minister of Justice on the use of solitary confinement. Furthermore, data should be provided on the number and length of the solitary confinements since the last review.

Reply to the issues raised in paragraph 13 of the list of issues

78. Reference is made to the reply to the issues raised in paragraph 11(a) of the list of issues.

79. Reference is also made to the enclosed report (in Danish) from the Director of Public Prosecutions of 22 January 2014 concerning the use of solitary confinement during pretrial detention in 2012 (annex A).

80. It appears from the report that the use of solitary confinement in general has decreased extensively in the period from 2001 until 2011. Though a noticeable increase, compared to the number of solitary confinements in 2010, appeared in 2011, the number of solitary confinements in 2011 was the second lowest since 2001. The increase from 2010 to 2011 may be explained by an increase in certain types of serious crimes and a strengthening of law enforcement actions directed against such types of crime, for example, serious crimes committed by organized gangs. Furthermore, it should be noted that in light of the current use of solitary confinement even a few larger criminal investigations concerning a number of persons held in pretrial detention may affect the total number of solitary confinements significantly. From 2011 to 2012, the number of solitary confinements decreased once again and is very close to the number of solitary confinements in 2010.

81. According to the report, the average duration of solitary confinements has been decreasing since 2003.

Paragraph 14 of the list of issues

With reference to the previous concluding observations of the Committee, please provide information on the measures taken by the State party to raise the level of psychological meaningful social contact for pretrial detainees and remand prisoners in solitary confinement (para. 14). Do the measures include, inter alia, more staff contact, access to tuition, work and other activities, allowing more visits and providing access to mental health services?

Reply to the issues raised in paragraph 14 of the list of issues

82. The Ministry of Justice has laid down detailed rules on the treatment of inmates, including remanded prisoners, who are excluded from association with other inmates. Details of the rules are provided below.

83. To reduce the particular stress and risk of disturbance of the mental health connected with exclusion from association with other inmates, staff must at all times be particularly aware of whether prisoners excluded from association for more than two weeks need more staff contact or medical or psychiatric attendance. Staff should be aware that this need increases with the duration of the exclusion period.

84. Furthermore, inmates who have been excluded from association for more than two weeks must be offered:

- Regular and long conversations with, for example, a chaplain, doctor or psychologist
- Television free of charge
- Special access to individual tuition and work, including other approved activities, which may contribute to reducing the particular stress and risk of disturbance of the mental health connected with exclusion from association with other inmates

85. The above-mentioned precautions and offers also apply to remand prisoners held in solitary confinement by court order.

86. In relation to inmates who have been excluded from association for more than two weeks, staff must be particularly aware of whether, with reference to the inmate's situation as related to order and security considerations, more lenient measures can be applied, for example in the form of:

(a) Association with one or more other inmates in the cell or during outdoor exercise;

(b) Possibility of working together with other inmates;

(c) Leisure-time activities with one or more other inmates or with staff.

87. In April 2012, the Ministry of Justice laid down further rules on exclusion from association (hereinafter "the 2012 Order").

88. The 2012 Order provides that the above-mentioned offers to prisoners enduring lengthy exclusions from association with other prisoners must also be made to prisoners who are accommodated in special security quarters to serve their sentences under conditions similar to the conditions of prisoners excluded from association.

89. Furthermore, exclusion from association may be imposed for a maximum of three months only. If, in special circumstances, it is necessary to extend the period of exclusion to more than three months, decisions to do so must be made by the Danish Prison and Probation Service.

90. According to the 2012 Order, prisons must report to the Danish Prison and Probation Service when a prisoner has been excluded from association with other prisoners for two weeks.

91. After this point, prisons must report to the Danish Prison and Probation Service about continued exclusion from association every week.

92. Decisions to exclude a prisoner from association must be reconsidered at least once a week. Prisons must prepare and regularly update plans on how to re-integrate prisoners back into the prison community.

93. The rules include further requirements for treatment of inmates who exceptionally have been excluded from association for more than three months. These inmates must be offered particularly well equipped cells and an extended right to visits and it must be considered to allow such prisoners use of computers free of charge in their cells if compatible with the regard for order and security in the prisons.

94. Inmates over the age of 18, who exceptionally have been excluded from association for more than six months, must in addition to this be offered at least three hours of daily activities in contact with, for example, other inmates or members of staff. For inmates under the age of 18, this must be offered after a period of four weeks.

Paragraph 15 of the list of issues

The Special Rapporteur remained concerned about the practice of non-separation of men and women in prisons and in this respect urged the State party to ensure that communal living arrangements are always voluntary and that appropriate safeguards protecting women are put in place and continuously monitored (A/HRC/10/44/Add.2, paras. 58-63, 73 and 78(e)). Please provide information on the measures taken in response to these recommendations.

Reply to the issues raised in paragraph 15 of the list of issues

95. In Denmark, there is no prison solely for women. There are four correctional institutions where female inmates are typically placed; two high security institutions (the Herstedvester Institution and the State Prison of Ringe) and two low security institutions (the State Prison of Horserød and the State Prison of Møgelkær). Some female inmates may also serve their sentence in Copenhagen Prisons and other remand prisons. Women can be in custody awaiting trial in all remand prisons.

96. Pursuant to section 33(4) of the Sentence Enforcement Act, the prison sentence is enforced without association with inmates of the opposite sex apart from association during work hours, if the inmate so desires and circumstances allow. In practice, when placing inmates the decisive factor becomes whether inmates wish to serve the sentence together with inmates of the same sex or in a mixed unit. All the above-mentioned four prisons have either a unit or wing for women. In certain cases and after careful consideration, a male inmate may be placed in the women's unit at the State Prison of Ringe. The State Prison of Ringe and the two low security prisons have units with mixed gender population.

97. As a rule female inmates have the same opportunities for employment as male inmates and most female offenders work and study together with male inmates. However, the two high security prisons and one low security institution (the State Prison of Møgelkær) offer some work opportunities for women only. In all prisons, to various degrees, leisure activities are also offered specifically for women.

98. In 2011, a research report by associate professor Charlotte Mathiassen on the conditions for female prisoners indicated various challenges related to the practice of mixed gender prisons. The Danish Prison and Probation Service alerted all prisons with mixed gender inmate populations to the findings of the report and asked them to look at potential improvements in light thereof.

99. A treatment programme specifically developed for women was also introduced in 2011 and 2012. Finally, the Danish Prison and Probation Service set up a committee to further examine the matter and provide future recommendations regarding the conditions for female prisoners in Denmark.

100. In September 2011, the committee recommended that Denmark abandon the current practice of mixed gender populations in favour of establishing one prison exclusively for women. While this has not been implemented, the Danish Prison and Probation Service has recently established new and improved facilities for working, educational and recreational purposes in the State Prison of Møgelkær for women, who do not wish to be serving time with male inmates.

101. Regarding Greenland and the problems previously experienced to ensure that communal living arrangements are always voluntary, it should be mentioned that in 2012 it was decided to separate female inmates from male inmates, and a separate unit for women was established.

102. Also, a new staff member was employed to organize and facilitate occupational and recreational activities for female inmates separately from male inmates. In special circumstances where the separation policy is clearly not in compliance with a female inmate's own interests, it will be possible for her to work alongside male inmates.

103. Pertaining to Copenhagen prisons, male inmates are still placed in the women's unit when circumstances so demand, but as a rule male inmates are screened before being placed there.

Paragraph 16 of the list of issues

With reference to the Committee's previous concluding observations, please indicate steps taken to address the concern of unduly long waiting periods in the asylum centres (para. 17). Please inform the Committee if there are, inter alia, educational and recreational activities as well as adequate social and health services provided for both children and adults living in asylum centres?

Reply to the issues raised in paragraph 16 of the list of issues

104. In recent years, additional resources have been allocated to reducing the processing time for examination of asylum applications. Thus, asylum applications are in most cases finalized in less than one year in both the Immigration Service and the Refugee Appeals Board.

105. In 2012, a political agreement was made between the Government and the political parties Enhedslisten (Red-Green Alliance) and Liberal Alliance. One of the main objectives of this agreement is to ensure a more humane asylum system, inter alia, by reducing by 50 per cent the processing time of asylum cases. As a result, legislation containing amendments to the Aliens Act introducing a number of improvements for asylum seekers entered into force on 2 May 2013 (Act No. 430 of 1 May 2013).

106. As a result of the political agreement, the option of accommodation outside the asylum centres is made available on certain conditions to asylum seekers who have stayed in Denmark for six months starting from the date, where the asylum application was handed in to the Danish Immigration Authorities (cf. section 42k (1) and 42l (1) of the Aliens Act).

107. Also, asylum seekers are now provided the possibility of seeking ordinary employment and work outside of the asylum centres (cf. section 14a (1) of the Aliens Act).

108. In order to qualify for accommodation and employment outside the asylum centre, asylum seekers must meet certain criteria.

109. For families with children who have had their application for asylum refused, private housing can now be offered 12 months after the refusal (cf. section 42a (8) in the Aliens Act) as opposed to 18 months according to previous requirements. While living in the asylum centres, families with children are offered two rooms in order to provide more space and privacy for the family.

110. In general, asylum seekers are offered various kinds of education, they are obliged to assist with daily tasks at their centre, and they may participate in internal or external (outside the centres) activities or in any form of volunteer work.

111. Asylum seeking children, including children who have had their asylum application rejected, receive education based on their individual situation (cf. section 42g (1) in the Aliens Act).

112. Offers regarding education have been strengthened with the 2013 amendments. Consequently, Danish language lessons are now a supplement to the English language lessons (cf. section 42f (2) in the Aliens Act) and orientation regarding issues concerning the Danish labour market, education system and housing possibilities is now part of a mandatory course (cf. section 42f(1) in the Aliens Act). For asylum seekers participating in a youth education programme, access to paid internships has been provided (cf. section 42g (2) in the Aliens Act).

113. A programme has been established in 2013 under which stakeholders external to the accommodation system may apply for funding for projects with focus on strengthening educational and training activities for asylum seekers in the Danish accommodation system.

114. The Government has allocated 10.2 million DKK (approximately 1.4 million EUR) for a two-year trial period of the programme.

115. No distinction is made between children of asylum seekers and other children residing in Denmark with regard to the right to health care treatment. Adult asylum seekers are entitled to free health care, if the treatment is necessary, urgent or alleviating/soothing. Furthermore, health care personnel at the accommodation centres can arrange a variety of treatments.

Articles 12, 13 and 14 of the Convention

Paragraph 17 of the list of issues

Please provide information, including statistics, on the number of complaints of torture and ill-treatment filed since the previous report, their investigation and prosecution and results of the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the victim.

Reply to the issues raised in paragraph 17 of the list of issues

116. Until 1 January 2012, complaints regarding the police were handled by the Director of Public Prosecutions. Since 1 January 2012, these complaints have been handled by the Independent Police Complaint Authority (IPCA) (*Den Uafhængige Politiklagemyndighed*). Reference is also made to the reply to the issues raised in paragraph 18 of the list of issues.

117. According to the Director of Public Prosecutions and the IPCA, it is not possible to provide the exact number of complaints specifically regarding the use of torture or ill-treatment by police officers. It would require going through all the police complaints cases manually to provide the exact number of cases dealing with torture or ill-treatment as there are no specific provisions in national criminal legislation concerning these concepts as explained in the reply to the issues raised in paragraph 2 of the list of issues. Neither is it therefore possible to provide the number of the cases disaggregated by sex, age and ethnicity of the victim.

118. However, reference is made to the enclosed table of cases regarding complaints of police conduct and criminal cases against police officers (annex B).

119. It should be noted that the Government is not aware of any cases in which police officers have been charged with torture or ill-treatment as an aggravating circumstance according to the Danish Criminal Code Section 157a.

120. As to complaints regarding the use of torture or ill-treatment by prison staff, reference is made to the enclosed table of cases regarding complaints of torture and/or ill-treatment filed since the previous report, which is based on cases of the same type as those mentioned in connection with the fifth periodic report concerning Denmark (annex C). In this connection, it should be noted that due to time and resource constraints, it has not been possible to manually review all inmate complaints back to 2005. The cases mentioned have therefore been retrieved partly on the basis of memory and partly by electronic searches in Word files prepared by relevant employees during the period and containing certain words indicative of potential relevance. The cases retrieved in this way have then been reviewed in more detail. The reply to this question also takes into consideration that the cases particularly inquired about are those in which the complainant has claimed with some force or with certain arguments that torture or ill-treatment has been committed. Other cases included are of such nature that the Danish Prison and Probation Service have assessed that they are relevant to the reply, even though the complainant has not himself or herself claimed that torture or ill-treatment has been committed. Finally, it should be noted that it has not been possible to find information about the inmates' ethnicity as such information is not recorded. Instead, the inmates' citizenship has been stated.

Paragraph 18 of the list of issues

In light of the previous concluding observations of the Committee, please provide detailed information on any measures taken to ensure a prompt, impartial and effective complaint system to undertake investigations into all allegations of violations committed by law enforcement officials, in particular when a person dies or is seriously injured following contact with law enforcement officials, including in detention (paras. 15 and 16). In this respect, please provide information on the status and outcome of the review and evaluation of the current system for handling complaints against the police and processing criminal cases against police officers. Are all suspects in prima facie cases of torture and ill-treatment as a rule suspended or reassigned during the process of investigation?

Reply to the issues raised in paragraph 18 of the list of issues

121. On 11 October 2006, the Ministry of Justice set up a broad-based committee tasked with reviewing and evaluating the current system for dealing with complaints against the police and processing criminal cases against police officers. The committee submitted its report in April 2009.

122. The committee found that the current system for dealing with complaints against the police functioned well, but that it was important, in the light of the critique of the current system, to ensure confidence in the police complaints system, both within the public and within the police force.

123. Based on findings of the committee, an amendment to the Administration of Justice Act was passed on 21 April 2010 introducing as of 1 January 2012 a new independent body named the Independent Police Complaints Authority (IPCA). The authority has the task of handling complaints concerning the conduct of police personnel and investigating criminal offences committed by police personnel while on duty as well as cases concerning the death or injury of persons in police custody.

124. The IPCA is headed by a Police Complaints Council (*Politiklageråd*) which is comprised of a high court judge as the head of the council, one private practicing attorney, one law professor and two representatives of the general public.

125. The new independent body has taken over the role in the above-mentioned types of cases from the Regional Public Prosecutors. Consequently, since 1 January 2012 one single

body has been handling complaints against the police and processing criminal cases against police officers ensuring that all cases are handled in the same manner, regardless of which police district the officers in question belong to.

126. Generally, the IPCA handles all aspects of inquiries and investigations, and consequently the police will be involved in the processing of these cases to a very limited extent only. However, the police themselves may deal with urgent matters concerning inquiries and investigations. In addition, the IPCA may request the National Police to assist the authority in its investigations.

127. It is still the Regional Public Prosecutors or the Director of Public Prosecutions, who decide whether charges shall be raised against police personnel. The reason for this is that criminal charges against police officers should be handled according to the same guidelines as charges against others. The question of whether to charge a police officer is therefore handled by authorities that have broad-based expertise and experience in handling a variety of different criminal cases.

128. The amendment to the Administration of Justice Act regarding the new system for handling complaints concerning the conduct of police personnel also introduced a number of provisions regarding the practical handling of the cases. According to these rules, the IPCA has to decide cases regarding the conduct of the police within a reasonable time. If a decision has not been made within six months after a complaint is received, the IPCA must inform the complainant in writing of the reason for this together with an indication of when a decision can be expected.

129. In cases regarding criminal charges against police officers, the Police Complaints Authority must inform the victim, the police officer in question and other relevant persons, if a decision has not been reached within 12 months.

130. In both types of cases, the IPCA must inform, inter alia, the complainant, victim, police officer in question again within six months, if the case has not yet been decided.

131. As stated in the reply to the issues raised in paragraph 17 of the list of issues, the IPCA is not aware of cases that have given rise to consider whether section 157a of the Danish Criminal Code should be applied. Thus there is no basis for stating whether or not all suspects in prima facie cases of torture and ill-treatment as a rule are suspended or reassigned during the process of investigation.

Paragraph 19 of the list of issues

Pursuant to the recommendation of the Committee, please provide information on the steps taken to ensure the right of victims of police ill-treatment to obtain redress and fair and adequate compensation, including the means for rehabilitation, as provided for in article 14 of the Convention (para. 15). Please provide data on the number of requests for compensation made, the number granted, and the amounts ordered and those actually provided in each case.

Reply to the issues raised in paragraph 19 of the list of issues

132. Chapter 93a of the Administration of Justice Act contains a number of provisions regarding compensation in cases where a person has been subject to, for example, criminal prosecution. The procedure laid out in these provisions is simplified to make it easier to obtain compensation for an individual who has been subject to unjust prosecution. According to section 1020(l) of the Danish Administration of Justice Act, this simplified procedure also extends to cases where a person has died or been seriously injured as a result of police action or while a person was in police custody. This means that the plaintiff will

have easy access to having a compensation claim tried in court and to get a lawyer appointed to represent the plaintiff in this matter.

133. It is not possible to provide the number of requests for compensation made, the number granted and the amounts ordered and those actually provided in each case since it would require going through all cases regarding compensation claims manually. The number of deaths in detention is shown in the enclosed table mentioned in the reply to the issues raised in paragraph 17 of the list of issues to which reference is made (annex B).

Article 16 of the Convention

Paragraph 20(a) of the list of issues

Please provide information on efforts undertaken to prevent and combat violence against women. Do these measures include adopting a coordination policy and a specific law on violence against women, including domestic violence, as recommended by the Committee on the Elimination of Discrimination against Women (CEDAW/C/DEN/CO/7, para. 30)?

Reply to the issues raised in paragraph 20(a) of the list of issues

134. Since 2002, three action plans to prevent and combat violence in intimate relations have been implemented. Female victims were the main focus in all three plans. An inter-ministerial working group consisting of several ministries has implemented all three action plans with the aim of ensuring effective coordination of the action plans' measures in all relevant policy areas. The action plan covering the period 2010-2013 involved the Ministry of Gender Equality and Ecclesiastical Affairs, the Ministry of Health and Prevention, the Ministry of Social Affairs and Integration, the Ministry of Justice and the Ministry of Children and Education. The Ministry of Gender Equality and Ecclesiastical Affairs steered the implementation of the action plan focusing on support for the victims, treatment of perpetrators, training of professionals, and collection and dissemination of knowledge.

135. The inter-ministerial working group has published annual reports on the progress of implementation of the action plans.

136. A total of 36 million DKK on the State Budget has been allocated for a new action plan against violence in the family and intimate relations in the period of 2014-2017 focusing on better prevention of dating violence, support for male victims, forms of violence, that have not been addressed before, and debate/public awareness on violence in intimate relations. The action plan was launched in early July 2014 and will be implemented by the Ministry of Children, Gender Equality, Integration and Social Affairs, Ministry of Justice, Ministry of Education and Ministry of Health and Prevention.

137. Denmark has ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and has been party to the Convention since its entry into force on 1 August 2014.

Paragraph 20(b) of the list of issues

Please provide information on the impact and effectiveness of these measures, including of Act No. 517 of 6 June 2007, the 2008 Directive concerning investigation in relationship matters and support given to victims, and the directives concerning honour killings as well as of the "Action plan to stop men's domestic violence against women and children for the period 2005-2008".

Reply to the issues raised in paragraph 20(b) of the list of issues

138. Independent external evaluations of the action plans conclude that the plans have had a positive effect, that is, they have contributed to more awareness amongst battered women of their rights, more awareness amongst victims of services of help and support, more male perpetrators receiving treatment, and professionals in general having obtained more knowledge about violence in intimate relations. Furthermore, the independent evaluation of the latest action plan shows that the institutional setup with an inter-ministerial working group is regarded by authorities and NGOs as important and successful. The evaluation also states the need for the preparation of a new action plan to help developing new methods and knowledge, thereby contributing to further this development of the existing permanent services in the field.

139. The action plans have served as a relevant supplement to the permanent services in the field creating awareness of and contributing to the improvement of cross-sectoral cooperation.

Paragraph 20(c) of the list of issues

Please provide information on the nature and the scope of violence against women in Denmark, including information about any systematic collection of data on violence against women, through a national statistical office or regular population-based survey

Reply to the issues raised in paragraph 20(c) of the list of issues

140. In 2004, a survey was conducted by the National Observatory on Violence Against Women and the National Institute of Public Health *(Statens Institut for Folkesundhed)*. In the survey, it was concluded that in 2000 approximately 42,000 (2.4 per cent) women were victims of physical violence in intimate relations.

141. In 2012, the National Institute of Public Health conducted another survey. In this survey the institute concluded that in 2005 approximately 33,000 (1.8 per cent) women were victims of physical violence in intimate relations and that this number had decreased to approximately 29,000 (1.5 per cent) women in 2010.

142. The European Union Agency for Fundamental Rights (FRA) has launched a European Union-wide survey on violence against women (http://fra.europa.eu/en/publication/2014/vaw-survey-main-results). It is based on interviews with 42,000 women across the European Union, who were asked about their experiences of physical, sexual and psychological violence, including incidents of intimate partner violence ("domestic violence"). The survey shows a great number of findings, for instance, that between 30 and 39 per cent of Danish women have experienced physical and/or sexual partner violence since the age of 15, compared to a European Union average of 28 per cent.

Paragraph 21 of the list of issues

The Special Rapporteur expressed serious concern regarding the high incidence of assault and sexual offences against women in Greenland (A/HRC/10/44/Add.2, para. 54). Please provide data and information on laws and measures to protect women in Greenland and the Faroe Islands who are victims of violence, including domestic violence. Please inform the Committee on steps taken by the Home Rule Government to develop and implement an adequately resourced plan of action against domestic violence. In this respect, please provide further information on the implementation of the "National strategy for prevention of rape, sexual harassment and assaults" and its impact on reducing cases of violence against women.

Reply to the issues raised in paragraph 21 of the list of issues

143. In paragraph 21 of the list of issues, reference is made to paragraph 54 in the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Denmark from 2 to 9 May 2008 (A/HRC/10/44/Add.2). Since paragraph 54 only deals with the situation in Greenland, it is presupposed that information is only sought about the situation in Greenland.

144. The Government of Greenland regards violence against women as unacceptable and a reflection of a lack of equality and respect between women and men.

145. According to the Criminal Code for Greenland, violence against women, including domestic violence, may constitute violations of the general provisions on, for example, violence or other offences against persons or personal liberty. The Criminal Code also contains a special provision on violation of restraining orders.

146. Furthermore, the legislation contains general regulation on, for example, compensation to victims of crime.

147. The Greenlandic population survey 2005-2010 estimates that approximately 62.4 per cent of Greenlandic women over the age of 17 have experienced violence or severe threats of violence one or more times during their life. The estimated percentage for men is 56.6 per cent.

148. Significantly more women (65.2 per cent) than men (8.7 per cent) state that the offenders are current or former partners. The 18-24 year olds differ from older age groups by being less exposed to partner violence. In this group 48.6 per cent state that the offenders are current or former partners.

149. A recent survey on adolescents estimates that 38 per cent of 15-16 year olds have experienced violence against their mother. In total, 7 per cent have witnessed violence against their father, while 10 per cent have witnessed violence against siblings.

150. The Government of Greenland has developed a national strategy and action plan against violence 2014-2017, which includes 31 activities primarily targeted at combatting domestic violence including sexual violence. This includes legislative amendments, campaigns, psychosocial reinforcement and more. The activities of the action plan focus on prevention within four main goals to (a) support the victim; (b) break the circle of violence; (c) upskill professionals; and (d) advance knowledge and information on violence. The plan was adopted by the Parliament of Greenland at its Fall 2013 session.

151. Campaigns targeted professionals working with victims of violence are prepared. In addition, campaigns targeted adolescents have been implemented in 2013 and 2014. Greenlandic NGOs participate in campaigns on domestic violence.

152. Concerning sexual harassment, the Government has prepared a new act on gender equality. This act compiles the two present acts on gender equality and includes more explicit provisions on sexual and gender-based harassment.

153. In 2013, there are seven shelters for women and their children in Greenland funded equally by the government and the municipalities. Training and education of employees has been implemented through courses and other such initiatives. The Union of Shelters in Greenland receives an annual grant from the Treasury.

Paragraph 22 of the list of issues

Please provide data on the extent of trafficking in women into, through and from Denmark since the consideration of the previous report as well as on the number of prosecutions and convictions of traffickers. Please also provide information on the

composition and the work of the inter-ministerial working group on trafficking and Centre for Human Trafficking as well as on the composition of regional and national reference groups. Furthermore, data should be provided on the implementation of the "Action Plan to Combat Trafficking in Human Beings 2007-2010" and on its impact on reducing cases of trafficking.

Reply to the issues raised in paragraph 22 of the list of issues

154. In the area of trafficking, Denmark is primarily a country of destination. Between 2007 and mid-2013, 297 persons were identified as victims of trafficking by the Danish authorities (of these 7 persons were under the age of 18)[2]. The vast majority of these were women trafficked for prostitution, but an increase is seen in the number of male victims identified for labour exploitation.

155. According to the Danish National Police (*Rigspolitiet*) and the Director of Public Prosecutions the numbers of reported cases, preliminary charges, charges/indictment and convictions regarding section 262a of the Danish Criminal Code from 2010 to 2013 are as follows:

	2010	*2011*	*2012*	*2013*
Number of reports concerning violation of the Danish Criminal Code section 262a.	12	14	9	8
Number of preliminary charges for violation of section 262a. Please note that the data may include more than one preliminary charge per person.	13	13	9	20
Number of charges/indictment for violation of section 262a. Please note that the data may include more than one charge/indictment per person.	21	13	21	18
Number of persons convicted of trafficking in persons	10	5	2	4

156. In order to create a forum of cooperation between the many governmental and non-governmental organizations the Danish Centre against Human Trafficking (*Center mod Menneskehandel*) has established a so-called "referral mechanism" consisting of a cooperation and dialogue system which contributes to ensuring a nationally cohesive, continuous procedure for identification of and support to potential victims of trafficking. The referral mechanism is organised in a manner representing the entire country and all relevant authorities. The regional referral groups refer to a national referral group which in turn refers to an interdepartmental working group with representatives from all ministries involved (Ministry of Children, Gender Equality, Integration and Social Affairs, Ministry of Foreign Affairs, Ministry of Employment, Ministry of Justice, Ministry of Taxation and Ministry of Health).

157. The Danish Centre against Human Trafficking belongs under the National Board of Social Services (*Socialstyrelsen*) under the Ministry of Children, Gender Equality, Integration and Social Affairs. The centre is financed under the Danish National Action Plan which the Ministry of Children, Gender Equality, Integration and Social Affairs is coordinating the implementation of. The centre coordinates social efforts directed at the victims and is responsible for gathering and disseminating knowledge about human trafficking. Furthermore, the centre is in charge of assessing whether people with legal residence in Denmark are victims of trafficking.

[2] All statistical data is based on information from the Danish Centre against Human Trafficking.

158. The regional and national referral groups are composed of the Danish Centre against Human Trafficking, the National Board of Social Services, the Ministry of Children, Gender Equality, Integration and Social Affairs, the National Investigation Centre of the National Police (*Nationalt Efterforskningscenter*), the National Police Aliens Department (*Nationalt Udlændingecenter*), the Police, the Danish Immigration Service, the Director of Public Prosecutions, certain ministries and municipalities, as well as relevant NGOs with experience in the area of human trafficking. As a response to the focus on trafficking for forced labour, the referral mechanism has over the last years been extended with stakeholders such as the Danish Tax Authorities, the Danish Working Environment Authority (*Arbejdstilsynet*) and Trade Unions.

159. As a result of the three continuous national action plans implemented since 2002 and the establishment of the Danish Centre against Human Trafficking, an effective institutional system has been developed and a large number of activities implemented in the efforts to combat trafficking. The current national action plan expires ultimo 2014, but will be replaced by a new national Action Plan to Combat Human Trafficking for 2015-2018. This action plan will enter into force on 1 January 2015.

160. In the current action plan focus is on prevention of trafficking in Denmark and internationally; identification and protection of victims, and prosecution of traffickers. Partnership between the different stakeholders relevant in combating trafficking is as described above an integral part of the national action plan.

161. The development of the national referral mechanism is consistent with international best practice. Likewise, the inter-ministerial working group and the regional reference groups contribute to effective coordination, dissemination of knowledge, and empowerment of contributing organizations.

162. Overall, the last external evaluation conducted in 2010 assesses that efforts to combat human trafficking have been characterized by a common, coordinated, and dedicated input from many stakeholders, including social organizations and police. The evaluation also shows that an effort has been made to train relevant stakeholders and to ensure that they are familiar with trafficking indicators and that they will contact the hotline of the Danish Centre against Human Trafficking whenever there is a suspicion that a person has been trafficked.

163. The current Danish National Action Plan to Combat Human Trafficking is currently subject to an external evaluation which is expected to be completed in the second half of 2014.

Paragraph 23 of the list of issues

The Special Rapporteur remained concerned that the efforts by the Government in relation to trafficking appeared to be aimed less at the rehabilitation of victims than at repatriating them to their countries of origin (A/HRC/10/44/Add.2, paras. 57 and 76). Please provide information on steps taken by the State party to address this issue.

Reply to the issues raised in paragraph 23 of the list of issues

164. Victims of trafficking are regarded as vulnerable. Therefore, victims are offered a wide range of aid and assistance. Foreign victims of trafficking may apply for a residence permit under the general rules of the Danish Aliens Act. Furthermore, victims of trafficking, who do not have a legal basis for staying in Denmark, fall under special rules in the Danish Aliens Act. These rules aim at providing aid and assistance to presumed victims of trafficking in order to help them recover and be strengthened mentally, so they can escape the influence of the traffickers and will be able to start a life free of trafficking. The

aid and assistance is provided unconditionally of whether the victim in question cooperates with law enforcement authorities.

165. According to section 33(14) in the Danish Aliens Act, a recovery and reflection period of 30 days are granted presumed victims of trafficking, who do not have permission to stay in Denmark and therefore have to leave.

166. Furthermore, as a consequence of legislation passed in May 2013, cf. below, the reflection period can be prolonged up to a total of 120 days if appropriate due to special circumstances or if the alien accepts an offer of a prepared return and cooperates in the efforts of planning this. The prepared return consists of an individually planned reintegration and repatriation programme, which aims at providing victims, who have to leave Denmark, with a new start upon return to their country of origin in order to minimize the risk of re-trafficking. Special circumstances can be medical reasons or that the alien's assistance is needed for a shorter period of time regarding criminal investigations or proceedings.

167. During the reflection period, presumed victims of trafficking are offered aid and assistance aiming at helping them recover and escape the influence of the traffickers. Besides offers of housing, medical and psychological assistance that are given to all asylum seekers or illegal immigrants, who are supported by the Danish Immigration Service, presumed victims of trafficking have wide access to shelters and are offered extended medical, psychological and sociopedagogical help.

168. In the Danish Government Platform from 2011, it is stated that the Government will work for ensuring that victims of trafficking are offered better protection in Denmark. Accordingly, an amendment to the Danish Aliens Act entered into force in May 2013 (Act No. 432 of 1 May 2013), which, inter alia, extended the prolonged reflection period up to 120 days and introduced a specific provision in the Aliens Act according to which temporary residence permit may be granted in cases where an alien assists a criminal investigation or prosecution. The introduction of the new provision serves to clarify this option. A work permit may be granted to an alien holding such temporary residence permit.

169. With regard to prepared returns, the reintegration period in the country of origin, meaning the period in which the alien receives assistance upon return to the country of origin, was furthermore prolonged to six months, following an agreement between the Government and the political party Enhedslisten (Red-Green Alliance) in 2013.

Other issues

Paragraph 24 of the list of issues

In light of the recommendations of the Committee, please provide information on the steps taken to draft and adopt a new Special Criminal code and a new Special Administration of Justice Act for Greenland (para. 18). Please elaborate if all provisions of these proposed new acts are in full conformity with the Convention as well as with other relevant international standards.

Reply to the issues raised in paragraph 24 of the list of issues

170. In the spring of 2008, a new Administration of Justice Act and Criminal Code for Greenland were adopted. The new acts entered into force in Greenland on 1 January 2010. The acts form part of a greater judicial reform in Greenland following a report from 2004 from the Commission on Greenland's Judicial System (*Den Grønlandske Retsvæsenskommission*).

171. According to the mandate of the Commission, it was, inter alia, the task of the Commission to ensure that the judicial system of Greenland is in conformity with the international obligations which the Realm must observe, including in particular human rights obligations. The consideration for human rights has had a special place in the Commission's work and has for example led to the codification of a number of fundamental principles regarding criminal proceedings.

172. Furthermore, the Commission has made a thorough examination of the accordance of indeterminate sentences (safe custody) with international obligations, including articles 1 and 16 of the Convention against Torture. Another example is the regulation of treatment of prisoners about which the Commission noted that it has been updated in conformity with international obligations in this field.

173. The Administration of Justice Act and the Criminal Code for Greenland have thus been created under the greatest consideration for international human rights standards, including the Convention against Torture.

174. Subsequently, the number of judicial districts has been reduced by Act No. 1388 of 28 December 2012 amending the Administration of Justice Act for Greenland.

Paragraph 25 of the list of issues

Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensure that those measures taken to combat terrorism comply with all its obligations under international law. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

Reply to the issues raised in paragraph 25 of the list of issues

175. The European Convention on Human Rights is incorporated into Danish law and has in several areas direct relevance for the work of the police. Teaching on the Convention and its relevance for policing has from 1 October 2013, taken place at the Danish Police College as a part of the theme: "Denmark as a rule of law-based democracy". The Danish Police College has close relations with the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) and the Danish Institute Against Torture. Basic introduction to the police's responsibility for combating terrorism is carried out at the Danish Police College by experts from the Danish Security and Intelligence Service (*Politiets Efterretningstjeneste*).

176. The Council of Europe Convention on the Prevention of Terrorism and the appendix to the Convention was implemented in Danish law by Act No. 542 of 8 June 2006 on amendment of the Danish Criminal Code, the Administration of Justice Act and various other acts (for example, strengthening of the efforts to fight terrorism).

177. In 2008, the Council of Europe's Committee of Ministers decided to add the International Convention for the Suppression of Acts of Nuclear Terrorism to the treaty list appended to the Council of Europe Convention on the Prevention of Terrorism. In order to meet the obligations deriving from this decision, the Danish Criminal Code was amended by Act No. 157 of 28 February 2012.

178. By Act No. 634 of 12 June 2013, a new provision on temporary seizure of assets related to money laundering or financing of terrorism was inserted in the Danish Administration of Justice Act.

179. Consolidated data regarding complaints of non-observance of international standards are not available.

180. On 30 May 2013, the Danish Parliament passed a bill relating to the Danish Security and Intelligence Service. Among other things, the bill introduces new regulation on the processing of personal data by the Security and Intelligence Service. For instance, the bill stipulates that the Security and Intelligence Service is only allowed to share information with foreign intelligence services, if the sharing is justifiable. In the assessment hereof, the conditions in the receiving country, including whether the country uses methods of interrogation or methods of punishment that conflict with Danish standards, is taken into account. The bill also creates a new supervisory authority which, ex officio or upon receipt of a complaint, will supervise the Security and Intelligence Service's compliance with the new regulation.

181. Reference is also made to the reply of the Danish Government in connection with the fifth periodic report (CAT/C/DNK/Q/5/Rev.1/Add.1, question 34).

182. Anti-terrorist measures performed by the Danish Security and Intelligence Service, such as invasion of the secrecy of communication, are generally subject to prior approval by the courts and access to subsequent legal remedies are thus generally not relevant. However, if a person is expelled by an administrative decision, for example, with reference to State security, this decision can be brought before the courts.

183. Since 2007, there have been a total of 33 convictions of crimes related to terrorism.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

Paragraph 26 of the list of issues

Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

Reply to the issues raised in paragraph 26 of the list of issues

Children's Division within the Ombudsman's office

184. By Act No. 568 of 18 June 2012, the Ombudsman Act (*ombudsmandsloven*) was amended with a view to establishing a Children's Division within the Ombudsman's office. Later, 1 November 2012 marked the opening of the Children's Division whose tasks, among others, include monitoring visits to institutions responsible for tasks immediately related to children. Furthermore, the Children's Division shall in its activities monitor whether existing legislation or administrative provisions are compatible with, in particular, Denmark's international obligations vis-à-vis the safeguarding of children's rights, as set out in for instance the Convention on the Rights of the Child.

185. In 2013, the Division carried out 12 monitoring visits. Four visits were to children's social care institutions with an in-house school; one visit was to a secure institution with an

in-house school; four visits were to children's social care institutions without an in-house school; one visit was to an asylum centre; and two visits were to foster families.

Amendment of the Danish Criminal Code's provisions on jurisdiction

186. In 2002, the Minister of Justice appointed a Committee on Jurisdiction (*Justitsministeriets Juridiktionsudvalg*) with a view to examining the provisions in the Danish Criminal Code on jurisdiction and to assess the need for amendments to these provisions.

187. In its report No. 1488/2007 from June 2007, the Committee recommended the adoption of a number of amendments to the provisions on jurisdiction in the Danish Criminal Code. This included, inter alia, a recommendation to adjust the wording of section 8(5) regarding Danish jurisdiction for acts committed outside the territory of the Danish State, irrespective of the nationality of the perpetrator, where the act is covered by an international provision under which Denmark is obliged to have criminal jurisdiction.

188. The Committee did, however, recommend not to extent the application of this provision to international provisions under which Denmark may establish criminal jurisdiction. The Committee pointed out that there did not appear to exist a practical need for such considerable extension of Danish jurisdiction. Furthermore, this should be seen in connection with, for example, the recommendation of the Committee to insert a special provision on jurisdiction regarding acts of the nature that is covered by Statute of the International Criminal Court.

189. The Danish Government agreed with the assessment of the Committee on Jurisdiction and the recommended amendments to the wording of this provision were adopted by Act No. 490 of 17 June 2008.

Amendment of the Danish Aliens Act

190. As described under the reply to the issues raised in paragraph 16 of the list of issues, legislation containing amendments to the Aliens Act introducing a number of improvements for asylum seekers entered into force on 2 May 2013 by Act No. 430 of 1 May 2013. In addition to the initiatives described under this reply, focus on rejected asylum seekers' possibilities to start over in their country of origin has been strengthened.

Supreme Court judgment on international obligations in regard to citizenship

191. By judgment of 13 September 2013, the Danish Supreme Court made a decision regarding acquisition of citizenship.

192. In this case, the Supreme Court in general terms stated that where an applicant has not been admitted to a bill on naturalization, ordinary courts can examine whether there has been a violation of international obligations and whether the applicant for that reason has a right to compensation.

193. The Supreme Court did not find such judicial review to be in violation of the Government's or the Parliament's competence according to sections 21 and 41(1) of the Danish Constitution, regarding the introduction of bills, or section 44(1) on naturalization by law. On the other hand, the Supreme Court stated that these provisions do prevent a judicial review of, for example, claims that the applicant must be admitted to a bill on naturalization or that he should be naturalised.

Supreme Court judgment – Tarin case

194. With reference to the Afghan incident mentioned in CAT/C/DNK/CO/5, that took place between 17 and 18 March 2002, one of the Afghans then detained by Danish forces

filed a civil suit against the Ministry of Defence asking for compensation for inhumane treatment that he allegedly suffered after Danish forces transferred him to the United States detention centre Camp Kardahar. On 27 June 2013, the Danish Supreme Court ruled in favour of the Ministry of Defence. The Court found that the case should be solved on the basis of rules of the Danish law of torts on responsibility of authorities. The court found that no such information was available at the time of transfer, which would entail that the Ministry of Defence knew or should have known that transfer would imply a real risk that the person in question would become subject to inhumane treatment. Such knowledge would be a prerequisite for establishing liability.

High Court judgment on degrading treatment

195. In a judgment delivered on 25 January 2012, the Eastern High Court of Denmark examined a number of administrative detentions of demonstrators carried out by the police during the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Copenhagen in December 2009. In one case, the court found that the treatment of a group of detained demonstrators had amounted to degrading treatment under article 3 of the European Convention on Human Rights.

196. The detentions took place during a protest march attended by around 100.000 participants. A group of more than 900 participants was kettled and detained by the police following a number of incidents. While they were waiting, some for up to four hours, to be transported to a detention facility, the detainees were placed on the ground in long lines in plastic handcuffs. They were not provided with mats to protect them from the cold; temperatures were around zero degrees Celsius. The detainees did not have access to drinking water, and the toilet capacity was insufficient. Images of the detainees were printed in newspapers and shown on television.

197. The Court emphasized that the purpose of the detentions had not been to degrade the detainees and that, during the initial phase, the treatment of the detainees had not been of such a stressful nature as to amount to a violation of article 3. The Court, however, deemed the duration of the episode to be crucial and thus ruled that the treatment of the detainees, all things considered, had eventually evolved into degrading treatment under article 3 of the European Convention on Human Rights.

198. On 11 June 2014, the National Police, at the request of the Minister of Justice, issued guidelines to all police districts on the use of administrative detentions under the Police Act and the management of large demonstrations. The guidelines contain, inter alia, provisions on the treatment of detainees during large demonstrations. These provisions were drafted in light of the High Court judgment and aim to prevent episodes of the above-mentioned character in the future.

High Court judgment on inhuman treatment

199. In a High Court judgment of 4 June 2014, the Danish Prison and Probation Service was ordered to pay DKK 50,500 in punitive damages, because the High Court found that an inmate had been treated inhumanely, which was a violation of the European Convention on Human Rights. The inmate had during his years in the Danish prisons on several occasions been placed in a security cell and fixated to a restraint bed. The High Court found that four of the fixations were wrongful, and that eight of the fixations lasted longer than necessary.

200. In reference to t! is specific case it should be mentioned that the inmate in question was a very untypical inmate, who in extraordinary ways and for very long periods of time was extremely difficult to handle due to the nature of his psychological condition. A similar case is not very likely to appear again.

201. The judgment from the High Court resembles the recent guidelines from the Danish Prison and Probation Service and from the Danish Parliamentary Ombudsman (*Ombudsmanden*). The Prison and Probation Service will in general terms follow-up on the possible consequences the judgment will have for specifically the closed prisons and will emphasize the importance of taking notes of every relevant observation during the fixation and the importance of continuously describing the necessity of the fixation being maintained.

High Court judgment on extradition of a Danish national from Denmark to India

202. In an Eastern High Court judgment of 30 June 2011, the Court decided not to extradite a Danish national to India for the purpose of prosecution.

203. The Danish national was suspected by the Indian authorities of violation of, inter alia, Section 121-A of the Indian Criminal Code by participating in the dropping of weapons in the Indian state of West Bengal.

204. The Danish Ministry of Justice had decided that the conditions for extradition of the Danish national were fulfilled, cf. Section 2, Subsection 2, cf. Subsection 1, number 2, of the Danish Act on the Extradition of Offenders (Consolidated Act No. 833 of 25 August 2005 on the Extradition of Offenders) (*udleveringsloven*). The Ministry of Justice had laid down a number of conditions for the extradition of the Danish national, inter alia, on the treatment of the Danish national during custody in India.

205. The Indian authorities had guaranteed that the conditions laid down by the Danish Ministry of Justice would be abided by.

206. The Eastern High Court of Denmark agreed that the conditions for extradition of a Danish national as a starting point were fulfilled. However, the court found that, despite the guarantees provided by the Indian authorities, there was a real risk that the Danish national would be subjected to treatment contrary to article 3 of the European Convention on Human Rights.

207. Therefore, and with reference to Section 6, Subsection 2, of the Danish Act on the Extradition of Offenders, the Eastern High Court of Denmark decided that the Danish national could not be extradited to India for the purpose of prosecution.

The case of Carmi Gillon

208. On 9 January 2014, Danish police and other public authorities were notified by the Anti-Torture Support Foundation that the israeli citizen Carmi Gillon was passing through Danish territory. The notification contained claims of alleged torture committed by said person.

209. Danish police found that the time-limit for establishing a possible criminal liability had expired in accordance with Danish statute of limitation. Consequently, no further action was taken in the matter.

210. On 11 January 2014, the Anti-Torture Support Foundation was informed of the police's decision not to initiate any investigation based on the notification.

211. As described above in the Government's reply to the issues raised in paragraph 2 of the list of issues, the Danish Criminal Code and Military Criminal Code were amended in 2008 in order to secure that offences committed by the use of torture, including attempts and complicity, cannot be subject to the statute of limitations. However, this amendment does not apply to cases where the time-limit for establishing a criminal liability had already expired, when the amendment entered into effect.

Paragraph 27 of the list of issues

Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level, that have occurred since the previous periodic report, including on any national human rights plans or programmes, and the resources allocated to it, its means, objectives and results.

Reply to the issues raised in paragraph 27 of the list of issues

A Military Manual and hotline for Danish defence employees

212. Project Military Manual (*Projekt Militær Manual*) was initiated in 2012 in order to strengthen the education of the military in and employment of International Humanitarian Law and the Laws of Armed Conflict. The project-group has been assigned to produce a military manual providing added value to the Danish defence. The manual will contain provisions for the compliance of international humanitarian law and other relevant international law, in particular human rights law, during planning and execution of military operations within the framework of Denmark's military engagements. By extension, the manual will provide overall provisions regarding the extent to which human rights law will apply for Danish forces' participation in international operations. The manual is foreseen by the end of 2014.

213. In spring 2013, the Danish defence established a hotline for employees (*Medarbejderlinjen*). It is a contact-point to which employees may call or write for information on where to seek help or report incidents regarding, inter alia, military disciplinary regulation or breaches on military safety, criminal incidents, abuse of public funding. Contact can be made anonymously. As the hotline was established, all employees of the Danish defence received a folder on these offers and possibilities. The purpose of the hotline and folder is twofold: to ease the reporting of illegal circumstances and increase access to aid for employees. A copy of the folder in Danish is enclosed (annex C).

The return of asylum seekers

214. Following the judgment passed by the European Court of Human Rights on 21 January 2011 in M.S.S. v. Belgium and Greece (application No. 30696/09), in which the Court held that returning an asylum seeker to Greece under Regulation No. 343/2003/EC (the Dublin Regulation) was a violation of article 3 of the European Convention on Human Rights and of article 13 of the Convention taken in conjunction with article 3, Denmark decided to handle all asylum applications that should have been otherwise handled in Greece in accordance with the Dublin Regulation. This decision will be upheld until the situation in Greece has improved. Furthermore, careful attention is being paid to the transfer of certain vulnerable asylum seekers to other European Union member States, including Italy, Malta, Hungary, Bulgaria and Romania.

215. As a result of the situation in certain areas of the Syrian Arab Republic, the Danish Refugee Appeals Board has adjusted the handling of asylum appeal cases concerning Syrian citizens in accordance with the latest deteriorations in the Syrian Arab Republic. In a press release dated 18 September 2013, the Refugee Appeals Board stated that the security situation in certain parts of the Syrian Arab Republic currently is of such a character that people originating from those parts by returning, simply by being present in those areas, would be at a real risk of being subjected to treatment proscribed by article 3 in the European Convention on Human Rights. Accordingly, the Refugee Appeals Board shall, upon an individual review in each case, be able to grant protection status to persons residing in those parts of the Syrian Arab Republic, presently or recently, affected by armed combat or by attacks on the civilian population.

The Committee of experts in the human rights field

216. As mentioned in the reply to the issues raised in paragraph 1 of the list of issues, in December 2012 the Danish Government established a Committee of experts in the human rights field. The Committee has, inter alia, been asked to consider, whether Denmark should incorporate additional human rights instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, into Danish law. The Committee concluded its work in August 2014, and the Danish Government will now consider its findings.

The universal periodic review

217. In the course of its first universal periodic review in May 2011, Denmark welcomed the recommendations — also those received relating to torture — and on 18 June 2014 Denmark delivered its mid-term progress report for the universal periodic review. Denmark strongly supports the universal periodic review process as a unique and important tool in United Nations monitoring of member States' compliance with their human rights obligations. Since the establishment of the first universal periodic review cycle in 2008, Denmark has contributed actively to the process, also in regard to other countries' examinations in order to ensure further improvement of human rights situations and fulfilment of human rights obligations, including in relation to torture and other cruel, inhuman or degrading treatment or punishment.

The Danish Institute for Human Rights

218. To strengthen the capacity of the Danish Institute for Human Rights, the Institute was re-established as an independent organization in 2012. With the re-establishment, the mandate to promote equal treatment was also clarified. Furthermore, the mandate of the Institute has been expanded with effect from 15 May 2014 and now also covers Greenland.

The Danish Human Rights Council

219. With the re-establishment of the Danish Institute for Human Rights as an independent organization, the provisions for the Danish Human Rights Council was also re-enacted with a clearer mandate. The Human Rights Council is constituted of human rights NGO's selected to reflect the main viewpoints among civil society organizations. The Council follows the work and the strategic planning of the Danish Institute for Human Rights. Furthermore, the Human Rights Council has established a sub-committee that follows the Danish universal periodic review process.

Paragraph 28 of the list of issues

Please provide any other information on new measures and developments undertaken to implement the Convention and the recommendations of the Committee since the consideration of the previous periodic report in 2007, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.

Reply to the issues raised in paragraph 28 of the list of issues

The National Preventive Mechanism

220. In 2007, the Danish Government notified the United Nations that the Parliamentary Ombudsman would be the designated authority in Denmark to carry out special supervision of the conditions afforded persons deprived of their liberty. In 2009, the Ombudsman Act was amended, thus clarifying the legal basis for the Ombudsman's function as the Danish

National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The first half of 2009 saw the completion of the work to organize and prepare visits in accordance with the conditions stipulated in the Optional Protocol and at the same time coordinate the Mechanism function with the supervisory activities already in place. In connection with the amendment of the Ombudsman Act, it was presupposed that the Ombudsman would include expert assistance from the Danish Institute Against Torture and the Danish Institute for Human Rights. The detailed planning of this cooperation was finalized during 2009. The practical work of carrying out visits commenced in the Autumn of 2009.

221. The Danish Institute Against Torture and the Danish Institute for Human Rights play an advisory role in cooperation regarding the Optional Protocol. However, the Ombudsman has indicated that he will consider the contributions he receives from the experts to be of decisive importance, and that in cases of divergent opinions, he will let this difference be reflected in the reports, if the organizations so wish.

222. The management of the three institutions meet a couple of times a year to discuss and organize the general guidelines for the work relating to the Optional Protocol, the annual report from the Danish National Preventive Mechanism and press releases. This part of the cooperation is called the Council for the Optional Protocol.

223. Each of the three institutions has appointed permanent staff who participates in the on-going tasks involving visits and preparation of reports and observations regarding new legislation. The Parliamentary Ombudsman's staff acts as secretariat for the working group and has the general responsibility for the planning of the work. This part of the cooperation is called the Working Group on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

224. Nine Working Group visits were carried out in 2009 as a part of the new supervisory function. Twenty visits were carried out in 2010. In 2011 and 2012, respectively 25 and 26 visits were carried out. The visits included open and closed prisons, local prisons, socio-educational accommodation facilities, asylum centres, secure residential institutions, nursing homes, detention facilities in police stations and psychiatric wards.

225. In terms of resources in 2009, Parliament increased the Ombudsman's budget with about 2 million DKK yearly, the equivalent of 2.5 man-years, so that the Ombudsman would be able to carry out the new task as the Danish National Preventive Mechanism.

226. The Ombudsman has for many years carried out inspections in accordance with Section 18 of the Ombudsman Act. Since the Working Group inspections were initiated in late 2009 both types of inspections were carried out, having an overlapping scope. As of November 2012, the Ombudsman decided to merge the inspections in a new department within the Ombudsman's office. In 2013, the new department carried out 60 inspections.

227. The new department also carries out monitoring of forced returns by the police of third country citizens in accordance with European Union directive 2008/115 of 16 December 2008, incorporated in Denmark by Act. No. 248 of 20 March 2011. The task includes participation, on a random basis, in escorted and witnessed forced returns by the police and a yearly review of a number of concluded removal cases. The scope of the monitoring is primarily the dignity of the deportees, the use of force by the police and health issues.